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November 6, 2020

VIA ELECTRONIC CASE FILING

Hon. Mary Kay Vyskocil, U.S.D.J
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
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DATE FILED: 11/9/2020

Re: Baten et al v. 116 West 32 Cafe LLC et al. – 1:19-cv-10873-MKV

Your Honor:

This firm has submitted a Stipulation and Proposed Order of Substitution of Counsel, in addition to the Declaration of Richard E. Freeman III, in support of defendants 116 West 32 Café LLC d/b/a Café R, Yhung Gyung Kang and Chong Ye Yang's ("Defendants") application for a substitution of counsel in the above referenced matter.

While that application is still pending, we respectfully submit the instant letter motion for Your Honor's consideration.

Pursuant to my conversations with Defendants' current counsel and Plaintiffs' counsel, as well as upon reviewing the court docket in this matter, it is my understanding that while the bulk of document discovery has been exchanged, there remains formal written responses to the demands made by the parties, and in particular requests for interrogatories, documents and admissions from Plaintiff, and second sets of interrogatories from Defendants, that require responses.

Plaintiffs' counsel has consented to an extension of time for Defendants to respond to those requests until December 1, 2020 while Defendants' incoming counsel reviews and familiarizes itself with the file, and this firm has consented to Plaintiffs' counsel's request to respond to Defendants' outstanding requests, with the understanding that counsel for both parties will continue to meet and confer again on these outstanding responses next week. To the extent that the individual response dates for certain documents need to be extended by court order, by way of this letter motion both Plaintiffs' counsel and Defendant's incoming counsel jointly request an extension of same until December 1, 2020.

In addition, by further way of this letter motion, both Plaintiffs and Defendants also respectfully request that the remainder of all other discovery be stayed until after the Settlement Conference taking place on January 6, 2021, after which time the parties will report to the court concerning the status of this matter and advise whether additional and continued discovery is needed. The foregoing request is made as the parties currently believe it may be possible to achieve a resolution at, or shortly after, the Settlement Conference and, as such, the cost, expense and difficulty coordinating several party depositions remotely may be avoided altogether. Inasmuch as the

requested stay of discovery is for only approximately two (2) months, we do not believe it will have any material impact on the case or Settlement Conference, other than to potentially avoid the unnecessary expenditure of legal fees in the interim.

Moreover this firm, as Defendants' incoming counsel, will need time to get familiarized with the file in advance of the current December 4, 2020 fact discovery deadline, such that conducting depositions of all parties within the next four (4) weeks and in light of the continued logistical considerations COVID-19 presents and the upcoming Thanksgiving Holiday, would not be practical or possible without prejudicing Defendants.

Accordingly, counsel for both parties respectfully submit the instant application for a brief stay of discovery, until January 13, 2021.

This is the first such application for a temporary stay of discovery. We thank the court for its time and the consideration of this request.

Respectfully submitted,

RHEEM BELL & FREEMAN LLP

LAW OFFICE OF WILLIAM CAFARO

/s/ Richard E. Freeman III

/s/ Amit Kumar


By: Richard E. Freeman III, Esq. (RF 2098)
Proposed Incoming Counsel for Defendants

By: Amit Kumar, Esq.
*Attorneys for the Plaintiffs as well as
the Putative Class and Collective*

The request to stay discovery is DENIED. The Court will not stay discovery deadlines solely because of the Parties' participation in mediation. Because of the appearance of new counsel, the deadline for discovery is extended to January 8, 2020. Intermediate dates for responding to specific discovery requests may be agreed-to by the Parties. Further requests for extension of discovery are not likely to be granted absent good cause.

Further, the Parties are ordered to appear at a Post-Discovery Conference on January 20, 2021 at 11:00AM in Courtroom 18C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York. The Parties are directed to review the Court's Individual Practices for information regarding submissions in advance of the conference. SO ORDERED.

Date: 11/9/2020
New York, New York


Mary Kay Vyskocil
United States District Judge